



DELBERT HOSEMANN
Secretary of State

MISSISSIPPI SECRETARY OF STATE

CONSTITUTIONAL INITIATIVES PUBLIC HEARING

MERIDIAN, MISSISSIPPI

JULY 28, 2011

PRESIDING:

DELBERT HOSEMANN
Mississippi Secretary of State
401 Mississippi Street
Jackson, Mississippi 39201

ALSO PRESENT:

LEA ANNE BRANDON
MEMBERS OF THE PUBLIC

REPORTED BY: SHARRON F. ALLEN, CSR, RPR
CSR NO. 1144

1 SECRETARY HOSEMANN: Welcome, everyone.

2 My name is Delbert Hosemann. I'm Secretary of

3 State for the state of Mississippi, and I

4 appreciate so much y'all coming this evening.

5 Thank you for waiting for a moment while we

6 talked to the press about the people who weren't

7 privileged to be here tonight.

8 I'd like to welcome you to our Initiatives Public

9 Hearings. And the issues that we're

10 going to discuss tonight will be on the ballot on

11 November the 8th, on the general election ballot.

12 The ones that will be covered will be personhood,

13 eminent domain, and voter identification.

14 The initiative process set up by the

15 Mississippi legislature is not an easy task.

16 There is a minimum of 89,285 signatures required

17 from at least 17,857 each congressional district.

18 There are five congressional districts. We go

19 under the old five congressional districts, even

20 though Mississippi only has four now. In order

21 to receive a -- for the initiative to actually

22 pass, it must receive not only a majority of the

23 votes, but more than 40 percent of the total

24 votes must be cast in the initiative election.

25 So it's even harder than the fact that we have to

1 have 89,285 people actually sign it.

2 The part that we're in right now is the
3 voter education portion of the initiative
4 process. We are required by state law to hold
5 five of these hearings – one in each congressional
6 district. It's an opportunity for individuals to
7 step forward and give their opinions about the
8 constitutional initiatives. A complete schedule
9 is out front. I believe this is the sixth one.

10 I believe this is the sixth one here that we have
11 held. We will hold nine across the state of
12 Mississippi.

13 If you are not able to speak tonight, we
14 welcome written contacts from each of you. You
15 can submit those written statements to us on our
16 sos.ms.gov website. It's under "initiatives."

17 And please feel free to bring those to us, even
18 if you're able to speak this evening. We put
19 each of your comments -- and now we're
20 approaching 100 different comments -- on the
21 website at the time you give them to us.

22 Tonight's will be recorded, and there will
23 be a stenographer who will put every word that
24 you speak this evening back into our website. If
25 you go on our website, you will see Southaven and

1 Starkville already there. The other two will go
2 up tomorrow that we have had. I think you will
3 find them of great interest.

4 Part of what we're doing in Mississippi --
5 our constitution was 1890. This initiative
6 process only becomes into effect at the time the
7 Mississippi legislature does not pass the
8 constitutional initiative. All of these matters
9 have been considered by the legislature at one
10 point or another and have not been voted on or
11 have been vetoed by the governor. So what you're
12 seeing here is the population -- the individual
13 population -- rise up and bring a matter that
14 they have concern back to become part of
15 Mississippi's constitution.

16 No constitutional initiative has ever
17 passed. Two term limit ones have been proposed.
18 Both of those were defeated. This will be the
19 first time in Mississippi history that we have
20 three constitutional initiatives on the same
21 ballot.

22 The format for tonight is as follows: We
23 will discuss each initiative in the order that
24 they were filed with the agency, beginning with
25 personhood, then voter ID, and then eminent

1 domain. Each of the proponents and opponents
2 will be given five minutes to speak on the
3 topics. After that we will have an open mike
4 here for you to come and speak your mind. We
5 welcome your comments.

6 When you make those comments, we would ask
7 you to please address the crowd. You don't have
8 to address me. Address the crowd as you deem
9 appropriate. And please give your name when you
10 come up to speak. I have had several of you
11 register to speak as we start. She'll keep up
12 with the names. And we have eight of those
13 segments, and you will be asked to limit your
14 comments to two minutes. Lea Anne will show you
15 a little card when you get to two minutes so that
16 you can wrap up your particular comments. Again,
17 if you want to go further, we welcome your
18 written statements.

19 Please remember that these initiatives are
20 already on the ballot, so we're not here to
21 discuss tonight whether or not the initiatives
22 will go on the ballot. They will be on the
23 ballot on November the 8th, absent a supreme
24 court decision to the contrary.

25 The personhood amendment has been challenged

1 and has had an opinion written by the Hinds
2 County Court that the initiative can be placed on
3 the ballot. An argument has been held before the
4 Mississippi Supreme Court some three weeks ago,
5 and we have not received indication from the
6 supreme court as to how they will rule on whether
7 or not it stays on the ballot.

8 In addition, the actual eminent domain was
9 challenged in Hinds County Court on Monday of
10 this week. The judge is to issue their opinion
11 tomorrow. At that time, if there is an appeal,
12 it would be to the Mississippi Supreme Court.

13 With that background as to what's going on
14 in the judicial branch, we want to get started
15 this evening. I would like to remind you that
16 servicemen and women are fighting today, and
17 Mississippi has lost 60 individuals giving their
18 life in Iraq and Afghanistan for the right for
19 you to stand up tonight and give your statements.
20 This is a free and fair democracy. I would ask
21 that you make -- that you honor these individuals
22 who have given that sacrifice by being as civil
23 as possible with your fellow citizens and as
24 direct and as brief and concise with your
25 comments as possible.

1 Now, I think we will start this as we have
2 started each of the others with the Pledge of
3 Allegiance. If you will stand and pledge with
4 me.

5 (PLEDGE OF ALLEGIANCE)

6 SECRETARY HOSEMANN: Thank you.

7 As I indicated, we will start this evening
8 with the definition of a person. This is
9 Constitutional Initiative No. 26. Each of you
10 should have been given a pamphlet. This is
11 required to be prepared by the Secretary of
12 State. In that pamphlet we outline the actual
13 initiative itself, and it is listed here on the
14 inside flap of that document. We also -- and
15 I'll read that to you shortly. We also prepared
16 for and against statements as required by the
17 legislature. The initiative comments "for" were
18 prepared by Brad Prewitt, who's with us this
19 evening to speak. The "against" comments were
20 prepared by Lynn Evans. I encourage you to read
21 the brochure as it's been published.

22 Further, an outline of what activities are
23 required are placed herein. The initiative
24 itself says as follows: "Be it enacted by the
25 people of the state of Mississippi:

1 "Section 1. Article III of the constitution
2 of the state of Mississippi is hereby amended by
3 the addition of a new section to read:

4 "Section 33. Person defined. As used in
5 this Article III of the state constitution, the
6 term 'person' or 'persons' shall include every
7 human being from the moment of fertilization,
8 cloning, or the functional equivalent thereof."

9 That is the entire constitutional
10 initiative.

11 And we'll start with Mr. Brad Prewitt to
12 speak on behalf of the constitutional initiative.

13 Brad.

14 MR. PREWITT: Good evening.

15 I'm Brad Prewitt from Tupelo, Mississippi,
16 fifth-generation Mississippian, and grateful to
17 be the executive director of yeson26.net, which
18 is a broad-based, mainstream coalition formed
19 recently to support the passage in November of
20 Proposition 26, the amendment to define the
21 unborn as persons from the moment of
22 fertilization, from the moment of conception,
23 either artificial or natural.

24 Our coalition is formed of people like Phil
25 Bryant, our co-chairman, and Don Wildmon, our

1 co-chairman. People like Stacey Pickering. We
2 have African-American and white pastors across a
3 nondenominational spectrum. We have people from
4 all over the state -- adoption agencies to
5 orphanages to special needs camp directors to
6 nuns. We have a broad base of people, including
7 OB-GYNs and doctors, on our advisory board. So
8 we're very complete in the way we approach this,
9 as Mississippi is committed to pro-life and
10 Mississippi is a pro-life state.

11 Now, personhood is not a novel concept.
12 There will be a lot made of that this is some
13 radical change; and, frankly, it isn't. It's not
14 novel, because it starts in the Bible. Now, some
15 have said in these previous hearings that
16 Mississippi -- or our nation is not a Christian
17 nation anymore. And I would beg to differ, at
18 least in Mississippi's case. And I go to the
19 1890 constitution which our Secretary of State
20 has kindly put out at each of these hearings
21 where the very preamble itself invokes God
22 Almighty in its proceedings.

23 I'd also say that George Washington, the
24 founder of our nation, said that "it is
25 impossible to rightly govern a nation without God

1 and the Bible." So the spirit of our
2 constitutional fathers of Mississippi, as well as
3 George Washington, the father of our country, all
4 invoke God.

5 In Genesis 1, in the first part of Genesis,
6 God says, "Let us make man in our image." And
7 that means that each life at the very outset in
8 the womb has significance, because God is
9 significant. God is all significance, and his
10 image bearer is man. And we as his image bearers
11 have significance.

12 David himself in the Psalms in 139:16 said
13 that "God saw his unborn substance in the womb."
14 Well, that's unformed. That's the very beginning
15 of life. And so that's where we start this
16 discussion.

17 Our founders shared this Biblical
18 perspective, and the Declaration of Independence
19 said that "All men are created equal, unalienable
20 rights, the right to life granted by our
21 creator." And those founding fathers, that image
22 of life and the right to life carried forth.

23 Ronald Reagan as late as 1988 himself had a
24 personhood proclamation in which he declared that
25 "the well-being and future of this country demand

1 the protection of innocence and that personhood
2 of the unborn must be declared and defended
3 throughout the land."

4 Friends, this is not a novel concept that
5 Mississippi is pursuing. In fact, we're one of a
6 dozen states right now pursuing this.
7 Mississippi, my friends, is simply the first that
8 has the opportunity to pass this and show the
9 nation that from this civil rights perspective,
10 we are here to protect the innocent.

11 Now, science itself, beyond God's
12 perspective -- now, science is God's science too.
13 The scientists have declared universally that
14 life begins at conception. The head of Mayo
15 Clinic's genetics department said that "Science
16 has a very simple conception of man: As soon as
17 he has been conceived, a man is a man." So
18 science says it as well.

19 Mississippi law -- this is not new to
20 Mississippi law. The statute itself declared
21 that a pregnant woman, if she is the subject of a
22 crime, then that crime is not committed against
23 one, but two, and that second person is from the
24 moment of conception forward. So personhood
25 under criminal law is already established for

1 Mississippians, so this is nothing new. Roger
2 Wicker himself in the U.S. Senate has this same
3 language before the congress for adoption that we
4 have on our ballot.

5 Now, what you will hear is what this
6 doesn't -- what does this not do? You're going
7 to hear a lot of Chicken Little the sky is
8 falling kind of declarations tonight. There will
9 not be prosecutions of miscarriages. That didn't
10 happen before. Women themselves will not be in
11 jeopardy. My wife is a physician. She would not
12 let me out the door promoting this if that were
13 the case. IVF will not be in jeopardy. It
14 simply says you cannot destroy embryos. I have
15 two IVF children. I would not be advocating this
16 if it were going to jeopardize that gift that God
17 has given us. It will not result in medical
18 research being stopped. You simply just can't
19 use embryos. And as far as birth control, if you
20 use the morning-after pill as birth control, then
21 that's a problem, but other birth control is not
22 at issue in this case.

23 Finally, special needs kids and others,
24 their lives are sacred in this kind of thing.
25 They won't be aborted, because we will simply get

1 rid of abortion with this. Cloning and other
2 issues will be put to the test.

3 Friends, I urge you in November to vote yes
4 on 26. Vote for the sanctity of life.
5 Mississippi, this is the right thing to do and
6 the right time to do it.

7 SECRETARY HOSEMANN: Thank you, Brad.

8 Dr. Kay Lundy is rising to speak against the
9 amendment.

10 MS. LUNDY: Good evening. My name is Kay
11 Lundy, and I'm pleased to have the opportunity to
12 speak in opposition to Initiative 26. I would
13 also like to thank you every one for attending
14 these hearings, for hoping to learn more about
15 each prospective, and to perhaps give it more
16 reflection, as it involves all of us, and the
17 potential consequences of this initiative affects
18 women, children, and their families in
19 Mississippi.

20 I am a professor in the college of nursing.
21 I have taught for 27 years and served in the
22 neonatal intensive care units as a transport
23 nurse. I've also worked in maternity and
24 pediatric clinics. I've essentially devoted my
25 career to promoting the lives and the health of

1 mothers and babies in Mississippi, and I am
2 honored to be a part of that profession. I have
3 also contributed to and teach advance nurse
4 practitioners and midwives, and it is an honor.

5 Supporters of Initiative 26 have said that
6 women's health will not be affected in any way.
7 You have just heard this. I ask that you look
8 carefully either at your brochure or at the
9 language of this initiative. There are no
10 exceptions for a woman's health, her life, or for
11 victims of incest or rape. Please look carefully
12 at the language. It is simple. It is
13 exclusionary. To say that this would have no
14 effect is simply inaccurate in this information
15 at best. Again, please read the amendment
16 carefully. No exceptions.

17 Consider a woman at the age of 44. We can
18 all learn best by real life examples. She has
19 three children. She has survived cancer. She
20 has had treatment. She has had a mastectomy and
21 successful treatment. Because of medication and
22 science, she will take medication for the rest of
23 her life in order to reduce her chances of a
24 relapse. She will more than likely live a
25 normal, long life and has a great chance of

1 survival. She will be allowed, hopefully, with
2 the grace of God, to see her children grow up and
3 have their own families.

4 Because of her cancer, she is unable to take
5 oral contraceptives of any kind. If Initiative
6 26 becomes law in Mississippi, that woman will
7 have no choice but to risk her life and face the
8 possibility that stopping those drugs will
9 shorten her life, the cancer will return, because
10 of this potential risk to the fetus. There is no
11 question. It will keep her from making legal
12 choices about her baby, about her fetus, and
13 about her life and her living children.

14 Instead, the state of Mississippi would
15 legally compel her to keep that baby. She would
16 have to continue that pregnancy, and it would
17 have a high likelihood of shortening her life.
18 She would not be able to see her children grow
19 up. She might birth a baby that never knew its
20 mother. I ask you: Is this the life we want for
21 Mississippi women?

22 This is not a make-believe scenario. I have
23 not made it up to teach my nursing students. I
24 know this woman. She is alive today, and she has
25 just watched her youngest child become a mother.

1 She had the choice to terminate her pregnancy at
2 the recommendation of her physician and with
3 heart-wrenching search through her heart and her
4 husband and of her clergy. You and I might have
5 made a different choice, but women facing
6 potential life-and-death situations such as this
7 one -- and we could name many -- should have the
8 ability to make those decisions. She is a
9 citizen of this country and of this state. She
10 is not second class. She is made in God's image.

11 Personally, I was blessed with a late
12 pregnancy. I was an older mother, a geriatric
13 one. And I wanted to know the risks that my
14 child and I would have with this baby, so I chose
15 to have an amniocentesis, as many older women do.
16 If my husband and I had found chromosomal damage,
17 physical abnormalities, it was my choice, not the
18 state's, to decide whether to continue the
19 pregnancy. To have that right taken away is
20 unthinkable. That was 20 years ago.

21 God has provided us with the brains and the
22 cognition, science that allows us to develop
23 safe termination of pregnancy, advanced family
24 planning, and especially the moral imperative to
25 use these to benefit the lives of women and their

1 children.

2 Do we really want to be the state -- the
3 only state in the United States -- that
4 criminalizes the reproductive capacity of women?

5 And it will do so. Possible unintended, will
6 actually develop what we call compulsory
7 motherhood, dangerous conditions, or others.

8 God did create me in his image and with
9 human rights as well as that of a man. If this
10 initiative passes, it will send a clear message
11 to our daughters, to our granddaughters, that
12 here in the great state of Mississippi, they do
13 not deserve the same rights as men, because they
14 were born with a uterus. We will be condemning
15 them to lives of servitude to the state of
16 Mississippi.

17 In closing, as many of you do, I wish for a
18 world in which all pregnancies are planned,
19 cherished, and part of a family, in which parents
20 assume the responsibility of raising healthy
21 children. Because of this belief, I oppose
22 Initiative 26.

23 Thank you for your attention.

24 SECRETARY HOSEMAN: Thank you, Dr. Lundy.

25 With that, we will begin the public speaking

1 portion of this and in the order in which they
2 were received. We will start -- and these will
3 be recognized -- with Dr. Chris Lundy. Dr. Lundy
4 is from Purvis, Mississippi, and he rises to
5 speak against the personhood amendment.

6 MR. LUNDY: Good evening. Thank you for
7 allowing me to speak with you this evening.

8 As I said, I'm Chris Lundy, and I'm from
9 Purvis, Mississippi. My wife and I live there.
10 I'm a lifelong resident of Mississippi. I spent
11 37 years in public education and have enjoyed all
12 those years. I recently retired and am now
13 enjoying retirement with my lovely wife, and I'm
14 here tonight to speak in opposition of Initiative
15 26.

16 The sponsors of this initiative, as I see
17 it, would have you all believe with absolute
18 certainty that at fertilization, a person is
19 created with absolute certainty. That is what
20 this initiative states. I'm an opponent of this
21 initiative because I believe strongly that only
22 our creator knows this. You don't, I don't, they
23 don't.

24 The sponsors of Initiative 26 would also
25 have you believe with an absolute certainty that

1 our creator is on their side with respect to this
2 issue. I do not believe they have a direct line
3 to our creator and can confirm and have confirmed
4 that support. Our creator has not taken sides on
5 this issue, in spite of what they would have you
6 believe based on the rhetoric you will hear this
7 evening. Furthermore, I do not believe that they
8 and they alone occupy the moral high ground as it
9 relates to this issue.

10 As a father and husband, a lifelong resident
11 of Mississippi, I am personally deeply disturbed
12 by the possibility that this initiative may
13 become law, because, if so, my wife, my future
14 daughter-in-law, and our female grandchildren --
15 and I certainly hope we have some; boys, girls,
16 makes no difference to me. But if they are
17 females, they would no longer have control of
18 their bodies with respect to reproductive rights.
19 The state of Mississippi would have that right,
20 not them.

21 Now, for the gentlemen here in the audience
22 here, are you aware of any Mississippi law
23 which -- are you aware of any Mississippi law
24 that controls your reproductive rights? Any
25 Mississippi law that does that now? Nope.

1 Because there aren't any.

2 Thank you.

3 SECRETARY HOSEMANN: Thank you, Dr. Lundy.

4 Andrea Holmes. Ms. Holmes is from
5 Hattiesburg, Mississippi. She is recognized for
6 two minutes to speak against the personhood
7 amendment.

8 MS. HOLMES: Hello. My name is Andrea
9 Holmes. I am a wife, a graduate student. I work
10 and volunteer in my community. My husband is
11 currently overseas in the army, and he as well is
12 continuing his education.

13 We are currently married and are very happy,
14 and we are not ready to be parents. We want to
15 continue with our education and establish our
16 careers before we begin our family. As
17 responsible adults, we made the decision to wait
18 to have children until we feel we are physically,
19 mentally, and financially ready to give them the
20 parenthood that they need and deserve.

21 We have looked at our options in planning
22 our family and have decided that until we are
23 ready to have children, a long-term contraceptive
24 will work best for us. We have decided to use
25 the IUD as our best option. But Initiative 26 is

1 so extreme that supporters have said using an
2 IUD, one of the most reliable methods of
3 contraception, would be considered murder. And
4 to be frank, that is absurd.

5 An IUD is not a form of abortion. An
6 abortion terminates pregnancy; an IUD does not.
7 It prevents pregnancy by preventing an egg from
8 being fertilized, preventing sperm from making
9 their way into the uterus, reducing the sperm's
10 ability to fertilize an egg and altering the
11 uterine lining, which would potentially prevent a
12 fertilized egg from attaching to the wall of the
13 uterus. This is not an abortion. Those
14 supporters of Initiative 26 think so.

15 My husband and I are adults. We are trying
16 to be responsible. This initiative would stand
17 in the way of us and other responsible people
18 trying to make good decisions for planning of
19 their families. Please oppose Initiative 26 so
20 that families like ours and others can continue
21 to plan families responsibly.

22 Thank you very much.

23 SECRETARY HOSEMAN: Thank you,
24 Ms. Holmes.

25 Zach Booth. Zach is from Hattiesburg,

1 Mississippi, and he rises to speak for two
2 minutes against the initiative.

3 MR. BOOTH: Hello, everyone.

4 Like you just heard, my name is Zach Booth,
5 and I'm from Hattiesburg, Mississippi, and I'm
6 here to speak out against Initiative 26.

7 As someone who was born and raised in this
8 state -- I've been here my whole life -- I see
9 this as very bad for our state. As you might be
10 aware, Mississippi has the highest rate of
11 teenage pregnancy in the country and the highest
12 unintended pregnancy rate for women of all ages.
13 This makes us poor, less healthy, less educated,
14 and more dependent on federal and state welfare
15 resources.

16 This is a time when we should all be
17 supporting initiatives that make us healthier and
18 better off economically. Initiative 26 does not
19 do this. It is a misguided plan that does
20 nothing to improve the health or welfare of women
21 in this state. In fact, Initiative 26 can only
22 make things worse by outlawing access to the
23 birth control pill, IUDs, and emergency
24 contraception, because it defines a fertilized
25 egg as a legal person before it implants in the

1 uterus and pregnancy even begins.

2 Women who wish to prevent pregnancies
3 wouldn't be the only ones affected by this
4 initiative. Families who wanted to conceive a
5 child through in vitro fertilization would be
6 turned away, as the process creates multiple
7 embryos to ensure the survival of at least one.

8 Our state would be better off if the
9 government stayed out of people's reproductive
10 healthcare decisions. Families are better than
11 the state about the best choices for their own
12 lives.

13 I urge my fellow Mississippians to stop
14 supporting initiatives that distract from what
15 our state and country need right now: Better
16 healthcare policies and plans to create jobs for
17 our citizens.

18 Initiative 26 is a distraction, and I urge
19 all of you to reject it.

20 SECRETARY HOSEMAN: Thank you, Mr. Booth.

21 Elton Wall. Mr. Wall is from Decatur,
22 Mississippi. He's recognized for two minutes to
23 speak against the initiative.

24 MR. WALL: Thank you. I appreciate this
25 opportunity to speak on this issue.

1 This has to do with reproduction. And as
2 you well know, when we talk about reproduction,
3 if we talk about human reproduction, we can get
4 into some very controversial issues, so let's
5 keep it to the reproduction issue, whether we're
6 talking about human reproduction, animal
7 reproduction, or whatever.

8 I want to say two things relative to this.
9 The first thing is we need to teach reproduction
10 in our schools. We need to educate everyone
11 about the reproductive process. That way it
12 won't be a question about when life starts. This
13 will clarify everything. We won't have a problem
14 with this. So reproduction needs to be taught --
15 human reproduction, all forms of animal
16 reproduction, plant reproduction, and so on in
17 our schools.

18 Another thing: The health problem issue.
19 Sometimes there is -- and I'm putting it this
20 way -- a health problem issue. When we have that
21 health problem issue, then decisions have to be
22 made. Now, that decision for someone that's not
23 personally involved in it may not be a hard
24 decision to make; but when this happens to me or
25 to you, then it becomes personal. It becomes a

1 personal issue. So we don't need to do anything
2 that would prevent the doctors and the mother
3 from making the correct decision in their
4 situation. It may not be the same decision that
5 someone else would make, but it's personal for
6 them.

7 I appreciate this opportunity. Thank you.

8 SECRETARY HOSEMANN: Thank you, Mr. Wall.

9 Susan Yeske. Is Susan Yeske here? Is that
10 you, ma'am, with the baby? Do you want me to
11 hold that baby? Ms. Yeske, you're recognized for
12 two minutes. Thank you. Or four minutes if he
13 speaks.

14 MS. YESKE: I'd like to highlight a figure
15 for you. Of every 1,000 live births in
16 Mississippi in the year 2009, ten resulted in
17 infant death. That is more than double the
18 number of pregnancies that ended in abortions.
19 If this initiative was intended to increase the
20 lives and health of babies in Mississippi, it
21 would focus our state's resources on pregnancy
22 prevention, prenatal care, postnatal care, and
23 the rate of infant mortality, which is among the
24 highest in the U.S.

25 Instead, the initiative intends to grant due

1 process rights to the unborn and drops the
2 definition of process into the legislature's lap
3 to deal with. If an unborn person dies -- which
4 happens frequently in the form of miscarriage --
5 the legislature has to decide how to investigate
6 and punish women's behavior that may have led to
7 the death. Then the taxpayers get to pay to
8 imprison the woman who is found guilty of murder
9 or manslaughter if they are found to be at fault.
10 The legislature will have to decide how long a
11 dying pregnant woman has to wait and through what
12 court process she must obtain permission to save
13 her own life by terminating the pregnancy should
14 she experience severe complications. The
15 legislature will have to decide whether women who
16 are impregnated without their consent may
17 terminate their pregnancy or whether they will be
18 forced to devote their entire life to the life of
19 that rapist's offspring.

20 This initiative will result in extreme
21 invasions into women's personal lives, their
22 medical care, and their relationships with their
23 doctors, yet it ignores the staggering figure of
24 10 in 1,001 babies who die.

25 Personally, this initiative, should it pass,

1 terrifies me. As a woman of childbearing age and
2 a taxpaying citizen of the state of Mississippi,
3 should in the future I be raped or have a
4 complicated pregnancy that could end my life, I
5 would be in danger of dying because I would not
6 be allowed to make that choice.

7 Please vote against the personhood
8 initiative in November. It is not about lives of
9 children. It is about reducing women to a set of
10 reproductive organs. Not as beloved gifts, but
11 as natural forms of punishment against women for
12 their sexual behavior.

13 Thank you very much.

14 SECRETARY HOSEMANN: Thank you, Ms. Yeske.
15 She is from Collinsville, Mississippi.

16 Reverend Dr. Marie de Young from Ocean
17 Springs, Mississippi, to speak against the
18 amendment.

19 REV. DR. de YOUNG: Forgive me for
20 appearing before you in my vacation attire, but
21 I'm transitioning into the town. But it is a
22 privilege to be here with you today.

23 I was a military chaplain. Very early in my
24 life I earned a scholarship to Peoples Republic
25 of China back in 1981. I traveled with the U.S.

1 Scientific Cultural Foundation and there
2 firsthand traveled and learned firsthand about
3 the experience of forced abortion. A terrible,
4 horrible thing.

5 As a military chaplain, I experienced forced
6 births. Military women are denied their full
7 civil rights. They're over in Afghanistan, Iraq,
8 so many other countries, fighting to restore the
9 civil rights of women, women who have been
10 deprived of their rights by the Taliban. And yet
11 as soldiers they do not have the right to control
12 their bodies.

13 I love Mississippi. I have only been
14 serving here in Mississippi for a few years
15 post-Katrina to support communities that are
16 recovering, but I would like to say to you it
17 saddens me. I'm one of your biggest boosters. I
18 hope to retire here and bring my family here.
19 Everything about Mississippi I love, including
20 its emphasis on education, culture, preserving
21 the land, farming, bringing new businesses, new
22 economies to the community.

23 I think it would be absolutely devastating,
24 first of all, for your economy. I've lived
25 through this in other states. Your engineers,

1 your scientists will flee the state if you take
2 such an anti-science position.

3 Secondly, I think it's devastating to women.
4 No man in this room ever wants a doctor of this
5 state, the federal government to tell him what to
6 do with his body. Surely, you do not want the
7 state in any way to take control of your wives,
8 your daughters, your best friend who is a woman.
9 You want them to have the same freedom that you
10 do, the same control that you do.

11 Please vote against this amendment. Keep
12 America and Mississippi on the path to the
13 future. Thank you very much.

14 SECRETARY HOSEMANN: Thank you, Reverend.

15 And I would ask if there is anyone else who
16 would like to speak for or against the amendment.
17 Yes, ma'am. If you will please identify yourself
18 so the lady can get your name correctly. I'll
19 take that card. Thank you, ma'am. Ms. Ella
20 Mathis from Meridian, Mississippi, and she rises
21 to speak for the amendment.

22 MS. MATHIS: Good evening. I'm Ella
23 Mathis. I'd like to start by telling you about a
24 man who died from AIDS. And he went to heaven
25 and he asked God, "Why haven't you sent someone

1 to cure AIDS?" When God answered him, he said,
2 "I have. People keep killing them in abortions."

3 I'm 44 and I'm a cancer survivor. And there
4 are other means of birth control besides birth
5 control pills that do actually work and you can
6 use while you're under cancer treatment.

7 I'd like to ask you if y'all remember Terri
8 Schiavo in Florida. Her husband, against her
9 mother's will, opted to take her to Hawaii, and
10 she literally starved to death.

11 In the Bible it says "Thou shalt not kill,"
12 so I think God does have a vested interest in
13 human life. I guess we all agree plant life
14 begins when the seed is fertilized, so isn't that
15 when human life begins?

16 I'm adopted, and I could have been something
17 else. And the circumstances of my birth I'm not
18 real proud of, but my mother chose to give birth
19 to me and give me to loving, caring parents who
20 raised me, and they love me.

21 Late-term abortion, do y'all know what that
22 is? I can't even talk about it. Please look it
23 up on the Internet.

24 Euthanasia. Jack Kevorkian went to jail for
25 taking life. I believe the life of unborn babies

1 is just as important.

2 Thank you.

3 SECRETARY HOSEMAN: Thank you,

4 Ms. Mathis.

5 Is there anyone else who would like to speak

6 on this amendment? Yes, sir. If you would,

7 please give your name.

8 MR. BALDWIN: My name is Greg Baldwin.

9 SECRETARY HOSEMAN: Thank you. You're

10 recognized for two minutes.

11 MR. BALDWIN: I did not expect to speak

12 tonight, but because so many people have come out

13 against this amendment, I'm compelled to say

14 something.

15 I know that over 3,000 babies are lost every

16 year due to abortion in this state. I grew up in

17 a military family. Have lived many places. I've

18 called Mississippi my home for the last 15 years.

19 From a Christian perspective, I think there

20 will be widespread support for this amendment,

21 but I object to the injection of science. I

22 object, of course, to the term pro-choice. I

23 don't believe that it is a choice.

24 And I am hopeful that many Mississippians

25 around the state will also agree with that and

1 that they will rise up together and they will put
2 Mississippi as the first state to oppose what I
3 consider one of the greatest tragedies that has
4 ever faced this nation, and that is Roe v. Wade.

5 I will be proud to be a Mississippian that
6 opposes that law that is a travesty. I can't
7 come up with the words right now to describe it,
8 but it is my extreme hope that more
9 Mississippians together will find it in their
10 hearts to examine their consciences, to look at
11 the Bible, God's final authority on the matter,
12 and to go to the ballots on November the 8th and
13 to decide to stand up for what is right, and that
14 is to support this amendment.

15 Thank you.

16 SECRETARY HOSEMANN: Thank you,
17 Mr. Baldwin.

18 Anyone else wish to speak on this
19 initiative?

20 Hearing none, we will go to the next
21 initiative, which is voter ID. Thank you, Brad,
22 and thank you, Kay, for your time.

23 Initiative No. 27 is located in your
24 pamphlets. I would encourage you to please take
25 a look at it. It describes itself as voter

1 identification. The initiative itself is listed
2 here on the inside.

3 "Except as provided in subsection 2, a
4 qualified elector who votes in a primary or
5 general election, either in person at the polls
6 or in person at the office of the circuit clerk,
7 shall present a government-issued photo
8 identification before being allowed to vote."

9 A qualified elector who does not have a
10 government-issued photo identification and who
11 cannot afford such identification may obtain one
12 free from the state.

13 An elector living and voting in a
14 state-licensed care facility is exempted, and an
15 elector who has a religious objection to being
16 photographed is allowed to cast their ballot and
17 return five days later with identification.

18 If an elector has a government-issued photo
19 identification but is unable to present it at the
20 time of the voting, they shall file an affidavit
21 ballot; and the elector, within five days after
22 the election, shall present the government-issued
23 photo identification to the appropriate circuit
24 clerk.

25 And, finally, this provision shall not be

1 construed to require photo identification to
2 register to vote.

3 The legislature shall enact legislation to
4 implement the provisions of this section of the
5 constitution.

6 So tonight, in the same light as we had
7 before, we will start with five minutes. We will
8 start with five minutes to speak for and five
9 minutes to speak against the initiative.

10 Speaking for the initiative is my friend,
11 Senator Terry Burton. Senator Burton has long
12 been a proponent of this in the Mississippi
13 legislature and has led the fight to approve the
14 legislature's approval of voter ID. Senator
15 Burton is recognized for five minutes.

16 SENATOR BURTON: Thank you, Mr. Secretary.
17 I'm glad you didn't lose your voice with that
18 rousing speech you gave at the Neshoba County
19 Fair today. We're glad to have you in Meridian.

20 We appreciate the opportunity to come and
21 talk to you about something that I have worked on
22 for many years in the Mississippi legislature as
23 chairman of the elections committee and even
24 prior to that. We have pushed for voter
25 identification in Mississippi for a couple of

1 reasons.

2 Number one, if a person goes to vote, we
3 ought to know that the person who casts that vote
4 is the person they say they are. No one should
5 ever be able to vote for someone else. I don't
6 want anybody casting a vote for Terry Burton. I
7 want to cast that vote. So voter identification
8 is the only way in this day and time of mobile
9 societies where you can make sure that that
10 person is who they say they are.

11 Now, there may have been a time when
12 everybody grew up in the neighborhood, lived in
13 the neighborhood, stayed there where their
14 parents lived for all of their life. That's not
15 the case anymore. People are mobile. People do
16 move. People move from Ocean Springs to Meridian
17 and so forth. These things happen. And not
18 everybody knows everybody the way they used to
19 years ago. And we need to make sure that the
20 person who goes and votes is the person who they
21 say they are.

22 We tried several times in the Mississippi
23 legislature to pass the bill. We passed it on
24 the senate side several times and sent it over to
25 the house where it died. Never could get it

1 through both bodies. It seems to be that making
2 it a part of the constitution would be the best
3 way to go, and that's not a totally bad idea.

4 Number one, I think it improves our chances
5 if anybody were to challenge this. If the people
6 of the state vote overwhelmingly for it -- which
7 I believe they will -- then a court challenge is
8 not likely to succeed. So I think that this
9 might be a blessing in disguise, that we are
10 having the opportunity as citizens of the state
11 to vote for this constitutional amendment.

12 The constitutional amendment is very
13 straightforward, as the secretary said. It just
14 says that when you go to vote, you have to prove
15 who you are. If you have some religious
16 objection -- we have several communities of Amish
17 in Mississippi who are objectionable -- it's
18 objectionable to them to have their photograph
19 made -- then they can do an affidavit ballot. It
20 doesn't keep anybody from voting.

21 The amendment also provides that if you
22 can't afford an ID, then one will be provided for
23 you by the state. So there's no cost. It's not
24 a hidden poll tax like some people would claim it
25 would be. There is no cost to be able to get the

1 ID. It's going to be provided for you. If you
2 don't have a driver's license or a state ID or
3 some other type of identification -- which in
4 this day in time I can't possibly imagine many
5 people who don't have an ID of some sort. You
6 have to have one of those to cash a check; you
7 have to have one on those to get on an airplane;
8 you have to have one of those to do most
9 anything.

10 Voting is a very important right. It's a
11 right that many people over the years have bled
12 and died for. To make sure that the sanctity of
13 the voting process in this state is secure, it's
14 a small price to pay to reach in your purse or
15 reach in your pocket and pull out your ID to cast
16 that vote. That's a small price to pay. It is
17 no price. It's a way to make sure your vote is
18 secure, that nobody's casting your vote for you.

19 A lot of people have said that this might
20 throw us back into those days of the '60s and
21 '50s and the civil rights days and so forth and
22 so on. We've had this debate on the senate floor
23 many, many times. It's simply not true. Doesn't
24 hold any water. There's no way you can convince
25 me that it would be anything discriminatory about

1 asking people to show their ID before they vote.

2 It is absolutely absurd to think that that's a

3 discrimination.

4 As a matter of fact, it protects those

5 individuals who actually had to literally fight

6 with blood, sweat, and sometimes death to be able

7 to vote. It protects the sanctity of their vote

8 as much as it does anybody else's. They

9 certainly don't want anybody voting for them.

10 So this is an initiative that, number one, I

11 believe will pass overwhelmingly, because the

12 people of this state recognize that there have

13 been cases of voter fraud -- in the last couple

14 of years, particularly. Several cases of voter

15 fraud all across the state. It's been going on

16 for years, but we've had some convictions and

17 some findings over the last several years, thanks

18 to the hard work partially of Secretary of State

19 Hosemann and his staff and the attorney general

20 prosecuting and the local authorities

21 prosecuting.

22 The other thing is we need to make darn sure

23 that this voting system in this state is secure,

24 that we have the ability to make sure that

25 whoever goes and votes is who they say they are

1 and that nobody casts a vote for me, nobody casts
2 a vote for you, or nobody casts a vote for
3 anybody else unless they are that person.

4 I would ask you to support the initiative
5 and ask your friends and neighbors to do the
6 same.

7 Thank you.

8 SECRETARY HOSEMANN: Thank you, Senator
9 Burton.

10 Nsombi Lambright is called to speak against
11 the voter identification initiative. She's
12 recognized for five minutes.

13 MS. LAMBRIGHT: Good evening, Meridian.

14 My name is Nsombi Lambright. I'm the
15 director of the ACLU of Mississippi. I'm also a
16 lifelong Mississippian and a mother of a
17 14-year-old.

18 We do not need voter ID in Mississippi,
19 despite what you've heard Senator Burton and
20 other lawmakers who have been trying to establish
21 voter ID for many years now. It's basically an
22 unfunded mandate on the state. And as Senator
23 Burton just showed you, the state of Mississippi
24 could be out of a lot of funds providing ID for
25 people who do not have government-issued photo

1 identification.

2 Research has shown that more than 21 million
3 Americans do not have government-issued photo
4 identification. My grandmother in Rankin County,
5 Mississippi, is one of those individuals. She's
6 lived in the same place all of her life. Never
7 driven a car. My grandfather always drove her
8 around. And she never got an ID, and so she
9 would be one person who would be affected by this
10 law and would not be able to vote anymore.

11 What we need to spend our resources on in
12 Mississippi is better training for our poll
13 managers and for our election workers. I've
14 spent many years going around the state doing
15 election protection work to make sure citizens
16 achieve their right to vote, and have seen a lot
17 of on-the-spot decisions made by poll managers
18 who are not familiar with the law.

19 These poll managers and election workers
20 come to one training -- they might come to one
21 training a year provided by the Secretary of
22 State's office. We need to increase those
23 trainings, and we need to engage in efforts to
24 recruit more poll managers to handle our polling
25 places in a very effective way, and that will

1 bring more integrity to our voting process.

2 Voting is a fundamental right, not a
3 privilege. There is no credible evidence that
4 in-person voter fraud, the type that photo IDs
5 could prevent, is a pervasive problem in
6 Mississippi, and there's no evidence that would
7 prove that photo identification would solve some
8 of the limited problems that we've heard about --
9 very few in Mississippi that we have to show
10 for -- and there's no evidence that photo ID
11 would improve this.

12 As a matter of fact, in my polling place a
13 number of years ago, the poll manager there
14 decided to implement voter ID on his own. He put
15 up a sign in our precinct that said if you live
16 in an apartment or have a P.O. box, you must show
17 identification, and the address on your ID must
18 match the address on the poll book. He did this
19 on his own with no authority. I stood there for
20 hours and watched at least 12 people leave
21 because they had to go back to work and were not
22 able to vote. I'm sure that if this law passes,
23 many other instances like this will happen around
24 the state where poll managers would just kind of
25 make up their own interpretation of what photo ID

1 means.

2 Voter ID requirements are a dangerous and
3 misguided step backward in our ongoing quest for
4 a more democratic society. Elected officials
5 should be seeking ways to encourage more voters,
6 not inventing excuses to deny voters the ability
7 to cast their ballots. Voter ID requirements
8 present substantial barriers to voting and
9 negatively affect voter participation.

10 Let's establish integrity in our polling
11 places by training our poll managers and election
12 workers on the law and establish more conclusive
13 processes to protect the integrity of our state.

14 Thank you.

15 SECRETARY HOSEMAN: Thank you,
16 Ms. Lambright.

17 Is there anyone who would like to speak for
18 or against the voter ID initiative?

19 Okay, we will then proceed to eminent
20 domain, and I will describe that.

21 Thank you, Senator Burton and Ms. Lambright,
22 for your help tonight.

23 I'm sorry, sir. Come forward. I must have
24 put your card back in the stack with the other
25 ones. Please come forward. If you would

1 identify yourself. I know you spoke previously,
2 and I appreciate it. You will be recognized for
3 two minutes.

4 MR. WALL: My name is Elton Wall. I'm
5 from Newton County, Decatur. I have two or three
6 things I'd like to comment on relative to this
7 particular issue.

8 The first thing I would say is that if the
9 election commissioners and the circuit clerks do
10 their jobs, dead people will not vote. Now, this
11 has been the emotional side of the issue, the
12 perception that a lot of dead people are voting.
13 And Mr. Burton made some comments awhile ago
14 about this. And some several weeks ago when this
15 issue was first being discussed, I asked him a
16 question on this, and the question was: Do you
17 have evidence that dead people are voting in
18 Mississippi? And his answer was that he heard
19 that a person voted -- a dead person voted -- in
20 southwest Mississippi. Now, I don't think
21 hearsay is a reason to change the constitution of
22 the state of Mississippi.

23 Another thing, driver's licenses have been
24 used as an example of voter identification. A
25 driver's license, as has been used in the present

1 time, in the last couple of times that I have had
2 my license renewed, the only thing I got from it
3 was the opportunity to make a contribution to the
4 taxes of the state of Mississippi. Now, it was
5 called a fee, but technically it's tax.

6 I think this probably would be all I would
7 say on this issue. We have a problem with
8 addition, and -- one thing I would say: We have
9 a problem with addition and subtraction like in
10 the case of laws and things. We pass a lot of
11 laws in the legislature every year. A lot of
12 laws are introduced and bills that are not
13 passed. We need to look at clearing some of
14 these laws and things from the books rather than
15 adding more to it.

16 This is the same thing as it relates to the
17 constitution. If we add more to it, then it
18 makes it more complicated. And the poll workers
19 are the ones who have to deal with the training.
20 The elections, the poll workers, and they have to
21 be trained. This is a serious problem. We don't
22 need to add more to the burden of training these
23 poll workers.

24 Thank you.

25 SECRETARY HOSEMAN: Thank you, Elton.

1 Anyone else who would like to speak? Thank
2 you, Senator Burton and Ms. Lambright.

3 Hearing none, we will now move to the
4 eminent domain portion of our hearing this
5 evening. Eminent domain is outlined in your
6 brochure.

7 "No property acquired by the exercise of the
8 power of eminent domain under the laws of the
9 state of Mississippi shall, for a period of ten
10 years after its acquisition, be transferred to
11 any person, nongovernmental entity,
12 public-private partnership, corporation, or other
13 business entity, with the following exceptions:

14 "The above provision shall not apply to
15 drainage and levee facilities" -- and it goes
16 forward and it's outlined here. I won't go over
17 those again.

18 "The above provision shall not apply where
19 the use of eminent domain removes a public
20 nuisance, removes a structure that is beyond
21 repair, is used to acquire abandoned property, or
22 eliminates a direct threat to public health or
23 safety caused by the property in its current
24 condition."

25 So the eminent domain is Initiative No. 31.

1 And to speak for the eminent domain initiative,
2 we have Mr. Bobby Moody.

3 Mr. Moody, you're recognized for five
4 minutes.

5 MR. MOODY: Thank you, Mr. Secretary.

6 I see Mr. Wade Jones hasn't shown up. I've
7 known Mr. Jones a long time. He and I have
8 worked together on a lot of projects over the
9 years.

10 I am Bobby Moody. I am a fourth generation
11 on my father's side and a fifth generation on my
12 mother's side to farm the same lands. They were
13 born and raised on adjoining farms, and now my
14 brother and I farm those lands. We hope we're
15 making progress for the sixth and seventh
16 generations to be on that same land.

17 You know, driving down here tonight, I
18 couldn't imagine growing up in rural Mississippi
19 in the United States of America having to come
20 and speak on an initiative to keep somebody from
21 taking our family lands and giving it to another
22 individual. And that's what we're talking about.
23 We're not talking about lands that are being
24 taken for the good of the public use.

25 I just thought of something else on the way

1 down here tonight. I remember as about probably
2 a 10-, maybe a 12-year-old boy. The telephone
3 company was coming through, and they came to talk
4 to my dad about having to come through a
5 cornfield. And the man said, "Well, now,
6 Mr. Moody, you tell us what the value of your
7 corn. We're going to probably have to run over
8 about two or three rows to get our line in where
9 we need it to be. Let us know, you know, what
10 you think the value is of that, and we'll pay
11 you."

12 He said, "There won't be any cost to it."
13 He said, you know, "these boys and I can cut
14 those two or three rows down and feed them to our
15 cattle. We're not going to lose anything." He
16 said, "If you pay me," he said, "who's going to
17 repay the telephone company?" He said, "Either
18 you're going to have to add it to my bill or
19 either my neighbor are going to have to pay for
20 it." He said, "Hopefully, somebody between here
21 and the substation gave the land so I don't have
22 to pay them for it."

23 And that's the way most Mississippians feel
24 about things. Things that are good for the
25 public, things that are good for the general use

1 of society, they are all for. But they don't
2 want their property to be taken away from them
3 and given to somebody else.

4 We have just gone in to put in a new poultry
5 operation on 20 acres of land. I've got a
6 neighbor right beside us that's got 20 acres of
7 land that's comparable to that. The 20 acres of
8 land that we put this poultry operation in is
9 going to generate about 12,000 to \$15,000 a year
10 tax for the county. Just forget about the
11 jobs -- three or four jobs, permanent jobs there
12 with the poultry operation. Forget about the
13 people who are raising the feed, the truck
14 drivers that are delivering the feed, the truck
15 drivers that are hauling the chickens away, the
16 people at the processing plant.

17 Now, if I go to my board of supervisors --
18 if we do what happened in New Jersey, I believe,
19 in the Kelo case, I go to my board of supervisors
20 and convince them this fellow that's right next
21 to me who has the same 20 acres of land, it's not
22 generating y'all but about \$120 a year in taxes.
23 If you'll take it away from him and let me have
24 it, then I can generate you about another 12- to
25 \$15,000 of taxes a year.

1 That's what we're talking about, folks, and
2 that's what we're trying to protect
3 Mississippians from.

4 I served in the legislature or was elected
5 to serve in the legislature for 24 years.
6 Governor Barbour decided, I guess, it was time
7 for me to come home, because he talked me into
8 resigning from the legislature and going over to
9 be the executive director at Medicaid. And while
10 I was there, I wound up to be the director when
11 Katrina hit. Now, that was a disaster and a
12 nightmare. And when that was all over and we got
13 that all settled, they sent me home to farm.

14 But the initiative process in Mississippi is
15 one of the most difficult in the nation. A lot
16 of things that happen in state government are
17 just spur of the moment things. They are things
18 that are thrown out there in amendments and those
19 kind of things. This is a thing that was before
20 the legislature for a number of years. And let
21 me tell you upfront I was totally against it; but
22 as we got into it and we began to study it, I
23 felt like there needed to be a way that the
24 citizens of the state of Mississippi could
25 address issues that the legislature failed to

1 address. And this is one of those issues that
2 the legislature failed to address.

3 Most of our surrounding states have
4 addressed this issue. Mississippi is one of
5 about ten in the nation that has not addressed
6 this issue. And it's an issue that is important
7 enough to 120,000 Mississippians to vote on that
8 it's before us in November of this year.

9 I would encourage each and every one of you
10 to not only go vote for this initiative, but for
11 the sake of your children and your grandchildren
12 and future generations in this state, to go and
13 vote for Initiative 31.

14 Thank you.

15 SECRETARY HOSEMAN: Thank you, Bobby.

16 Is Wade Jones present? Not hearing
17 Mr. Jones, we will move to Quinton Mills for the
18 two-minute section of our hearing. Mr. Mills,
19 you can come forward, please, sir. Mr. Mills
20 rises to speak for Initiative 31, eminent domain.
21 You're recognized for two minutes once you start
22 speaking.

23 MR. MILLS: Thank you. I appreciate y'all
24 letting me come and do this.

25 I just want to say one of our primary

1 reasons for establishing this country was the
2 right -- the property owner's right to secure and
3 own property. Thousands of people lost their
4 lives working and trying to build up the land and
5 improve it and defend their land. If we cannot
6 ensure the right to legally protect our land and
7 our family's rights from unfair takeovers from
8 private individuals who seek to profit from what
9 belongs to others, we have truly lost the
10 original vision of our forefathers.

11 Individuals should not be forced to spend
12 their hard-earned money to defend what was
13 intended to be an individual's right from the
14 beginning of our country's existence.

15 I encourage each of you to vote yes to the
16 proposal of eminent domain. Voting yes ensures
17 property rights to property owners and provides
18 the necessary means to obtain right of ways for
19 highways and true public use.

20 Our rights are being taken away by our
21 government one by one. I feel like this is
22 wrong. We want to do something to protect our
23 rights, and we want to do it before it's too
24 late.

25 Voting yes for eminent domain prevents our

1 lands and our rights -- protects our lands and
2 the rights for our children and grandchildren for
3 generations to come.

4 I encourage all Mississippians to protect
5 their rights and their land by voting yes for
6 this eminent domain on election day.

7 And I just feel like it's wrong for the
8 government to be able to take land and give it to
9 another individual or another company to make a
10 profit on when we work so hard to pay taxes on it
11 and try to keep it these years.

12 Thank you.

13 SECRETARY HOSEMANN: Thank you, Mr. Mills.

14 Jody Wagner from Hickory, Mississippi.

15 Mr. Wagner is recognized for two minutes to speak
16 for the eminent domain initiative.

17 MR. WAGNER: I'm Jody Wagner from Hickory.

18 I'm a fourth-generation ag producer and
19 landowner, and I stand here tonight to support
20 passage of the Initiative 31.

21 I believe that private property is the basis
22 of my livelihood and many livelihoods around this
23 state in the ag industry. Property rights have
24 been integral to our success as a nation, and our
25 forefathers found them be a very important part

1 of the founding.

2 I also understand the need for eminent
3 domain. It's needed for public use and
4 infrastructure. However, I oppose the use for
5 private and economic development as demonstrated
6 in the Kelo case.

7 There are, I believe, 66,000 acres of
8 industrial parks located around the state that
9 are vacant and available for private development
10 and economic development, and I feel that there
11 should be no need to take our land from us.

12 I also believe the wealthy, well-connected
13 private developers should not have a trump card
14 in their pocket if I decide not to sell my
15 property to them or anyone else. As John Adams
16 said, as one of our founding fathers, "Property
17 must be secured or liberty cannot exist."

18 And I thank you for your support of this
19 initiative.

20 SECRETARY HOSEMANN: Thank you,
21 Mr. Wagner.

22 John Keenan. Mr. Keenan is from Rose Hill,
23 Mississippi. He rises to speak for the eminent
24 domain initiative.

25 MR. KEENAN: I'm John Keenan from Rose

1 Hill, Mississippi, down in Jasper County. I
2 stand before you today asking you to be in favor
3 of Initiative 31 and vote yes.

4 In 2009 the legislature passed this. The
5 house and the senate both passed it. The
6 governor vetoed it. The house overrode it; the
7 senate didn't. I stand here today to tell you my
8 senator and my representative, voted to override
9 it. I ask you to check on yours before you vote.

10 Economic development happens every day in
11 Mississippi without forcible transfers of
12 property. I own property. I'm a timber farmer.
13 I'm a retired state employee, and I own timber
14 property. I'm second generation. I've got the
15 third and fourth generation on the farm. We're
16 growing trees for them as the value of it comes
17 on up. We've got state highways, county
18 highways, pipelines, power lines and all through
19 our property. The last transaction was widening
20 County Road 31 there in Rose Hill. I gave
21 property across two 40s.

22 I inherited 80 acres. I'm not a large
23 property owner. I inherited 80 acres from my
24 father. My grandfather was a blind man in Leake
25 County. My dad was an agricultural teacher. He

1 and my mama bought some property in Rose Hill,
2 197 acres, back in the late '30s and '40s. They
3 gave \$17.50 an acre for this property. Mama told
4 me they almost starved to death paying for it. I
5 value that 80 acres. I don't want someone to
6 come take it from me to give it to someone else
7 to put a business on it.

8 I mean, it'd be like the post office in Rose
9 hill. I own the property it's on. They
10 negotiated a contract with me. We agreed to it.
11 Of course, we may be fixing to lose our post
12 office. There's a lot in Mississippi that are.

13 To take someone's property, their home or
14 something, and give it to someone else is not
15 right. As Mr. Hosemann said at the beginning of
16 his speech, there are men and women fighting
17 right now as we sit here and I stand here before
18 you for our rights to be here and to vote on
19 what's right. Over 100,000 people got these
20 signatures. Let us vote. Mr. Leland Speed, why
21 don't he spend his time against it. Tell us why
22 he's against eminent domain.

23 The average person can't afford to fight
24 this in court. You just have to lay down and
25 roll over. There's eight states that have it,

1 and Mississippi is one of those. I think if it's
2 voted, we'll pass it. I ask you to vote on
3 Number 31; vote yes on eminent domain.

4 Thank you. Thank you, Mr. Hosemann.

5 SECRETARY HOSEMANN: Thank you,
6 Mr. Keenan.

7 Ricky Ruffin from Bay Springs, Mississippi.
8 Mr. Ruffin is speaking for the eminent domain
9 initiative.

10 MR. RUFFIN: Thank you, Mr. Secretary. I
11 appreciate the opportunity.

12 I'm here to speak for Initiative 31. My
13 name is Ricky Ruffin. I'm from Bay Springs. I
14 have a small law practice there where I've
15 practiced for about the last 31 years.

16 And I'm here to tell you we've had about
17 three or four pipelines that have come through
18 our county in the last five years, and I've
19 represented a number of those individuals, and
20 I'm here to tell you a little bit about how
21 heartbreaking that is if you're named as a
22 defendant for a petition of eminent domain.

23 First of all, when they come to see me,
24 they've already been approached by some
25 individual with a petitioner who has presented

1 them with a price. It's always low. And the
2 reason it's low is because they will have an
3 appraiser who will work for the petitioner who
4 represents them in all the cases and they are
5 paid by them, and they get a lowball figure based
6 on variables that are very low throughout the
7 county. It never fails. I'm telling you what I
8 see.

9 Then what happens is they make them that
10 offer, and then they tell them, Well, if you
11 don't accept this offer, then we're going to file
12 a domain action. And that sends fear through
13 most private property owners, because they don't
14 understand it.

15 Then usually when they come to see me, I
16 have to tell them, unfortunately, there's very
17 little you can do. The bargaining position
18 between the petitioner and the bargaining
19 position between the property owner is greatly
20 different. It gives them a serious disadvantage.
21 And I promise you that they have to spend most of
22 their money -- if they take a chance on fighting
23 this in court, they have to take a chance on
24 losing all that they're going to get out of the
25 property and then lose their property. So look

1 at what a disadvantage it puts them in.

2 I will tell you that if you will just think
3 about this matter, you'll think about that. And
4 we realize it has to happen for public use, but
5 if you take private property for private use,
6 there's no justification for that.

7 And I ask you to please vote for this
8 initiative to stop the abuse of eminent domain.

9 Thank you.

10 SECRETARY HOSEMANN: Thank you,
11 Mr. Ruffin.

12 Lamar Boren. Mr. Boren is from Meridian,
13 Mississippi. He is speaking for the eminent
14 domain initiative.

15 MR. BOREN: Thank you, Mr. Secretary.

16 My name is Lamar Boren, and I'm from
17 Meridian. I'm a farm manager for Sela Ward, and
18 I'm also a landowner, and I just wanted to bring
19 some comments here.

20 One thing I want to bring up is the way that
21 the wording is on the ballot, it's going to be so
22 confusing that we need to let everyone know that
23 they need to vote yes, because the way it's
24 worded, it's sure going to cause a lot of
25 problems.

1 Another thing, Mississippi has 57 counties
2 that has 66,000 acres in industrial parks, and
3 this is not even counting the land that they own
4 for recreational and other departments. I think
5 that a lot of these sites have immediate access
6 to highways and interstates and railroads and
7 airports, and first they need to use this
8 property.

9 And Mississippi is also -- we are number --
10 we have seven states that haven't passed it.
11 Three of the southern states haven't passed it.
12 And 43 states have already passed it, and so
13 Mississippi definitely needs to pass this. And
14 this is Initiative 31, and you need to vote yes
15 on that.

16 And also I want to bring up another thing
17 where the Kelo and where -- I think it was in New
18 Jersey -- or Connecticut, Kelo v. the City of New
19 London. In 2005 they took this property away.
20 The supreme court ruled 5 to 4 in their favor.
21 And after all that they went through, they didn't
22 even use the property. The company went
23 bankrupt. So the people that had to move off
24 that property, the land is just laying there
25 right now. It's nobody even using it. I think

1 the company spent \$78 million, and it was all
2 bulldozed out flat, and nobody ever used it.

3 So I want to advise everyone to please vote
4 yes on Initiative 31.

5 Thank you.

6 SECRETARY HOSEMANN: Thank you, Mr. Boren.

7 Will McMillan from Newton, Mississippi.

8 Mr. McMillan is speaking for Initiative 31.

9 MR. McMILLAN: Thank you for the
10 opportunity.

11 I am Will McMillan from Newton, Mississippi.

12 As I've heard it stated by several of y'all in
13 the crowd already, I am a fourth-generation
14 farmer, a landowner whose land has been passed
15 down from generation to generation. I come in
16 support of this tonight.

17 I understand that we have to serve the
18 public good of the citizens of Mississippi. And
19 eminent domain plays a big part in that, whether
20 you take it for a road or you take it for a
21 bridge or you take it for some other substation
22 or pipeline or whatever's coming through. That
23 has to be done. I know my uncle is dealing with
24 one right now where he sold some land to the DOT
25 because they were changing the way the highway

1 went by his property from a safety reason, a
2 curve in a bridge. And safety should always be
3 considered, and those things should be
4 considered; that the public good of the people of
5 Mississippi comes first.

6 But once we pass that point, there comes a
7 point where land that has been passed down from
8 generation to generation where private
9 individuals own that private property and value
10 that, they shouldn't be put up against the wall
11 for somebody else to take their property --
12 another private individual or another firm or
13 investment corporation or whatever that can come
14 in and just force them off their land and say, as
15 quoted already in the case that you had in New
16 Jersey, I believe. And we need to go ahead and
17 strengthen our laws in Mississippi so that this
18 cannot happen.

19 I think back at what my dad told me one time
20 when he was in the process of, you know, passing
21 this land to me. And it belonged to my great
22 granddad, it belonged to my grandmother, it
23 belonged to him. And he told me, "Son, this
24 ain't going to cost you a dime and you shouldn't
25 ever have to get rid of it."

1 And I would like to have that conversation
2 with my daughters and them with my grandchildren
3 one day. I hope I have grandchildren. But let
4 them have that private property right that's been
5 passed down from generation to generation. And I
6 thank you for your time and support of this
7 initiative.

8 Thank you.

9 SECRETARY HOSEMANN: Thank you,
10 Mr. McMillan.

11 Carolyn Turner? Ms. Turner is from
12 Ellisville, Mississippi, and she rises to speak
13 for Initiative 31.

14 MS. TURNER: Thank you.

15 I'm Carolyn Turner from Ellisville. My
16 husband, Will Turner, and I live on a farm that
17 we've been honored to live on for many years.

18 Let me tell you a little bit about
19 ourselves. Our children -- we have two
20 daughters -- two married daughters and a son and
21 three grandchildren, which make up the third,
22 fourth, and fifth generations that live on our
23 farm.

24 This farm was settled by my husband's
25 grandparents back in the late 1800s. They came

1 to Jones County looking for a place to settle
2 down, and they found a tract of land just west of
3 Ellisville. And they began to make their home
4 there and they began to clear the land and make a
5 place to grow their crops. It was hard to grow
6 crops there, but it was a new way of life for
7 them and they were interested in it and they were
8 dedicated to raising their family there, and it
9 became their home.

10 On this farm is where my husband, as a young
11 boy, began to develop his own herd of cattle; and
12 this became instrumental in by the time he was
13 able to or old enough to go to college at
14 Mississippi State, he had a little tuition money
15 saved up from his cattle, a little herd that he
16 had. And this is true with our girls and myself
17 as well. He sent me on through college, where I
18 was able to get a degree and then an advanced
19 degree. And my daughters are college graduates
20 as well.

21 So our land -- I say all this to tell you
22 this: The land has served us well. We've had
23 public jobs as well, but it's our farm income
24 that has enabled us to do some extra things like
25 our -- important things like our education. And

1 we still have our land. Of course, taxes come
2 along, and there's been some rough spots along
3 the way too. It hasn't all been a gravy train,
4 and it's been a little tough. But it makes you
5 appreciate it more when you work hard for your
6 money. And eventually -- well, I already said
7 that the children went to school.

8 But I would like to say this: That your
9 land is important to you, and it is important to
10 us. Farm Bureau members are urging the
11 Mississippi constitution to be amended so that
12 individuals' property can't be taken away and
13 given over to private individuals for their
14 profit.

15 I can't help but tell you this: Just last
16 night Governor Barbour -- yesterday, rather; it
17 was on the news last night. Governor Barbour
18 came to Ellisville, our little town, to announce
19 that the new GE plant -- maybe you've heard about
20 that -- but it's to come to our area. And they
21 are -- they've been deeded, I think, 54 acres of
22 land, something like that, an industrial park,
23 Howard Industrial Park. It's just one mile from
24 my house, by the way.

25 But this plant is a \$56 million plant that

1 GE will make airplane parts for. And it will
2 employ -- in two years' time it's going to employ
3 250 people. And these are not minimum-wage jobs;
4 they're going to be good jobs for people in our
5 area.

6 And I say that to tell you this: They put
7 up their land -- their building, rather -- out at
8 the industrial park. And I understand, just as
9 these other men have said tonight, that there are
10 over 66,000 acres of available land space to
11 build these kinds of things, these proposed
12 buildings and projects. And we'd like to just
13 keep it that way, so let them build there. They
14 have easy access to the highways, to the
15 interstates, and airports. And I know Howard
16 Industry park is right on I-59, easy access.

17 SECRETARY HOSEMANN: Ms. Turner, you're
18 going to need to wrap it up now.

19 MS. TURNER: Okay.

20 So I thank you, and I ask you to support the
21 amendment for eminent domain.

22 SECRETARY HOSEMANN: Thank you very much,
23 Ms. Turner.

24 Is there anyone else who would like to speak
25 for or against the amendment? Yes, ma'am.

1 You're recognized for two minutes.

2 REV. DR. de YOUNG: Thank you.

3 Once again, I'm Reverend Dr. Marie de Young.

4 I'm a Unitarian Universalist minister. John

5 Adams was one of us. Protecting property is

6 very, very important.

7 And I'd like to say that the two issues that

8 I'm speaking to today are flip sides of the same

9 coin. The first one, women have the right to

10 determine their own bodies. This issue, your own

11 land. You own the land. The government should

12 not be able to take it away from you or from me.

13 I own land, but not here.

14 I will tell you I've heard many people over

15 the last several days speak at these public

16 events, and they've spoken against the

17 supervisors as if they are the enemy. Let me

18 tell you a story about a small town in the state

19 of Pennsylvania where my family comes from. One

20 of my relatives is a supervisor. The town fought

21 a big company coming in and putting a toxic dump

22 waste in. And they had to give up the same fight

23 that so many farmers had to give up. They

24 couldn't afford the legal fight, and they had to

25 kind of give in to it.

1 I think we need this initiative. I really
2 do. Because what I know from Pennsylvania, where
3 farmers are making a fortune selling their land,
4 to the Marcellus Shale people down in Louisiana,
5 and down here where people are making a fortune,
6 if a business can make good money, they will pay
7 you for your land. They will pay you what it's
8 worth if you want to sell it.

9 So I absolutely believe that this initiative
10 should be passed; and that whether or not it's
11 passed, we should continue to fight with the
12 legislature to make them do their job to
13 strengthen protections for eminent domain.

14 Thank you very much. Protect our land,
15 protect our bodies, protect all of our civil
16 rights. Thank you very much.

17 SECRETARY HOSEMANN: Thank you, ma'am.

18 Anyone else who would like to speak for or
19 against the amendment?

20 Hearing none, I want to thank each of y'all
21 for coming this evening. And this is our, as I
22 said earlier, democracy at its very best, the
23 right for us to stand up and give our views on
24 one side and another. So I want to congratulate
25 you for taking the time.

1 Everything you have said tonight will be on
2 our website, usually in about ten days. You will
3 be able to pick that up, as well as comments from
4 other Mississippians. So I encourage you to look
5 at our website.

6 If you would like to add to your comments
7 tonight or would like to give any written
8 statement, we would welcome those, and we put
9 those on the website as well.

10 So we'll adjourn for the evening, and I
11 thank you so much for coming tonight.

12 (PROCEEDINGS CONCLUDED AT 7:06 P.M.)

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1 CERTIFICATE OF COURT REPORTER

2 I, SHARRON F. ALLEN, Certified Shorthand
3 Reporter and Notary Public in and for the State of
4 Mississippi at large, hereby certify that the
5 foregoing pages contain a full, true, and correct
6 transcript of the proceedings as taken by me at the
7 time and place heretofore stated in the aforementioned
8 matter and later reduced to typewritten form by me to
9 the best of my skill and ability.

10 I further certify that I placed the witness
11 under oath to truthfully answer all questions in this
12 matter under the authority vested in me by the State
13 of Mississippi.

14 I further certify that I am not in the
15 employ of or related to any counsel or party in this
16 matter and have no interest, monetary or otherwise, as
17 to the final outcome of this proceeding.

18 WITNESS MY SIGNATURE AND SEAL, this the 4th
19 day of August, 2011.

20 _____
21 SHARRON F. ALLEN, CSR, RPR
22 CSR NO. 1144

22 My Commission Expires:
23 November 5, 2011